

FIRST REGULAR SESSION

HOUSE BILL NO. 810

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CARNAHAN.

Read 1st time February 15, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1578L.011

AN ACT

To amend chapter 251, RSMo, by adding thereto nine new sections relating to land conservation and development in certain metropolitan areas, with an emergency clause and a termination date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 251, RSMo, is amended by adding thereto nine new sections, to be known as sections 251.550, 251.555, 251.560, 251.565, 251.570, 251.575, 251.580, 251.585 and 251.590, to read as follows:

251.550. As used in sections 251.550 to 251.590, the following terms mean:

- (1) "Agricultural lands", any tract of land in this state consisting of more than five acres, whether inside or outside the corporate limits of any municipality, which is capable, without substantial modification to the character of the land, of supporting an agricultural enterprise, including but not limited to, land used for the production of agricultural crops or fruit or other horticultural products, or for the raising or feeding of animals for the production of livestock or livestock products, poultry or poultry products, or milk or dairy products. Adjacent parcels of land under the same ownership shall be deemed to be a single tract;**
- (2) "Commission", the metropolitan St. Louis growth management advisory commission;**
- (3) "Council", the East-West Gateway Coordinating Council;**
- (4) "Region", the area including St. Louis city, St. Louis County, Franklin County, St. Charles County, Jefferson County, and such other related areas or parts thereof in Missouri or Illinois as deemed appropriate by the commission.**

251.555. 1. There is hereby established within East-West Gateway Coordinating

2 Council a "Metropolitan St. Louis Growth Management Advisory Commission" which
3 shall study and make recommendations regarding growth management for the areas
4 encompassing St. Louis city, St. Louis County, Franklin County, Jefferson County and St.
5 Charles County. The council shall establish the rules and procedures for the meeting and
6 conduct of the commission.

7 2. The commission shall be comprised of residents of the appointing jurisdictions
8 as follows:

9 (1) St. Louis city, three, one appointed by the mayor, one appointed by the
10 president of the board of aldermen, and one appointed by the comptroller;

11 (2) St. Louis County, two residents of the unincorporated area, one appointed by
12 the county executive and one appointed by the county council;

13 (3) St. Charles County, one, appointed by the county executive with the
14 concurrence of the county council;

15 (4) Jefferson County, one, appointed by the county commissioners;

16 (5) Franklin County, one, appointed by the county commissioners;

17 (6) The municipalities in St. Louis County, five proportionally representative of
18 municipalities of three population groups; those under ten thousand, between ten thousand
19 and twenty thousand, and over twenty thousand population, based on the most recent
20 population estimates provided by the council. Appointments are to be made by the chief
21 elected officials of each group;

22 (7) The municipalities in St. Charles County, two, one from municipalities with
23 population under forty thousand and one from municipalities with population over forty
24 thousand, based on the most recent population estimates provided by the council.
25 Appointments are to be made by the chief elected officials of each group;

26 (8) The municipalities in Jefferson County, two, one from municipalities with
27 population under twenty thousand and one from municipalities with population over
28 twenty thousand, based on the most recent population estimates provided by the council.
29 Appointments are to be made by the chief elected officials of each group;

30 (9) The following shall serve as nonvoting members of the commission and shall be
31 appointed by the council following consultation with the affected groups as outlined below:

32 (a) One representative of K-12 education;

33 (b) One representative with a degree in environmental sciences or a related
34 discipline, with expertise in evaluating the impact of development and redevelopment
35 activity on land, air and water;

36 (c) One representative of the small and medium business community;

37 (d) One representative with a degree in planning, knowledgeable of regional trends

38 and their impacts;

39 (e) One representative of public transit;

40 (f) One representative of the Bar Association with a law degree and experience in
41 development, redevelopment and local government law;

42 (g) One representative of the minority community;

43 (h) One representative of the large business community;

44 (i) One representative of the district six office of the Missouri department of
45 transportation;

46 (j) One representative of churches in the region which have demonstrated an
47 interest in affairs of this nature;

48 (k) One representative from the Illinois portion of the metropolitan region;

49 (l) One state liaison appointed by the governor;

50 (m) One representative from the real estate profession;

51 (n) One representative from the home builders' profession.

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53 All appointees shall reside in the counties in the study area with the exception of the
54 representative from Illinois and the state liaison appointed by the governor.

251.560. 1. When mathematically possible, each appointing authority shall assure
2 that at least forty percent of the voting members are from areas that experienced a
3 decrease in family income, adjusted for inflation, from 1990 to 2000, and that at least forty
4 percent shall be from areas that experienced an increase in family income during the same
5 time period. The staff of the council shall advise appointing authorities in a manner
6 necessary to assure that each county has a nearly equal number of commissioners from
7 areas that experienced a decrease in family income and from areas that experienced an
8 increase in family income from 1990 to 2000. The council shall establish any rules
9 necessary to ensure that all appointing authorities comply with the intent of this section.

10 2. The council shall develop a method to inform each jurisdiction of the
11 appointment process and assist with the process to assure its expeditious completion.

251.565. 1. The commission shall select one of its members as chairman and
2 another member as vice chairman, for such terms and with duties and powers necessary
3 for the performance of the functions of such duties as the commission determines. The vice
4 chairman of the commission shall act as the chairman of the commission in the absence of
5 the chairman.

6 2. A majority of the members of the commission constitutes a quorum for the
7 transaction of business.

8 3. Members of the commission shall not receive compensation for serving as

9 members of the commission but shall be reimbursed for actual and necessary expenses
10 incurred in the performance of their official duties as members of the commission.

11 4. Members of the commission shall not be authorized to vote by proxy.

12 5. No member of the commission shall vote on any matter in which that member
13 has a substantial interest, as defined in chapter 105, RSMo.

251.570. The commission shall be created to develop recommendations for
2 legislation and policy formation relating to regional planning. In formulating its
3 recommendations, the commission shall consider the interests and views of the citizens
4 throughout the region and of particular affected areas; the academic and scientific
5 community, local governments, the business and development community, environmental
6 groups and other civic groups. The commission shall make recommendations to address,
7 without limitation, the following goals and objectives:

8 (1) Involvement of citizens and citizens' views in all phases of the planning
9 processes, and maximization of local control and input in the formulation of the
10 implementation of regional planning;

11 (2) Preservation of agricultural lands for farming use, consistent with current and
12 future needs and agricultural needs;

13 (3) Conservation of forest lands by maintenance of the forest land base and tree
14 canopy base, and management of soil, air, water, and fish and wildlife resources and to
15 provide for recreational opportunities;

16 (4) Conservation of open spaces and protection of natural, scenic and historic
17 resources in the region;

18 (5) Maintenance and improvements of the quality of the air, water and land
19 resources in the region;

20 (6) Protection of life and property from natural hazards and disasters resulting
21 from or aggravated by past development patterns or techniques;

22 (7) Provision for the recreational needs of the citizens of the region and of visitors;

23 (8) Economic development necessary for welfare and prosperity of the region;

24 (9) Provision for the housing needs of the citizens of the region;

25 (10) Planning for the timely, orderly and efficient provision of public facilities and
26 infrastructure, including roads, sewers, stormwater facilities, public utilities and public
27 services for urban and rural development in the region;

28 (11) Management of resources to facilitate the conservation of energy;

29 (12) Planning for the safe, convenient and efficient provision of schools and related
30 infrastructure for existing and future development of the region; and

31 (13) Coordination of efforts to achieve these goals for the region as a whole, without

32 sacrificing the reasonable needs and objectives of each locality within the region.

251.575. In making its recommendations, the commission shall, without limitation,
2 consider the following regional planning solutions for advancing regional goals:

3 (1) The creation of a regional planning authority to coordinate or develop regional
4 planning policies;

5 (2) The enactment of legislation providing municipalities and counties in the region
6 new or greater powers in the enactment of regional plans and policies, including but not
7 limited to local authorization for:

8 (a) Development tax incentives;

9 (b) Development impact fees or taxes;

10 (c) Transferable development rights;

11 (d) Infrastructure financing alternatives;

12 (e) Environmentally-sensitive development codes, including but not limited to, soil
13 erosion, stormwater, tree preservation, and green space, schools, and public infrastructure
14 dedication;

15 (f) Enactment of requirements for specific projections of development proposals
16 on public infrastructure and needed services for those developments;

17 (g) Urban growth or investment areas, limiting or promoting metropolitan service
18 areas;

19 (3) Acquisition and coordination of regional planning and related scientific data,
20 including but not limited to, data relating to zoning districts and land use patterns, traffic
21 and roads, schools and other public buildings and services, topography, plat maps,
22 stormwater, public utilities, density, parks and recreational facilities, green space and tree
23 cover, soil and erosion characteristics and economic and business data;

24 (4) Legislative authorization to permit or encourage the coordination of local and
25 regional governmental bodies for regional planning and service provision; and

26 (5) Authorization of regional tax, revenue sharing or revenue sources to support
27 investment or infrastructure in appropriate locations.

251.580. The commission shall hold public hearings, compile scientific and planning
2 data, determine the viewpoints of interested parties, and issue a preliminary report within
3 six months of the effective date of this section. A final report shall be submitted not later
4 than six months after submission of the preliminary report, and shall be provided to each
5 member of the general assembly who represents territory in the region and to any citizen
6 requesting a final report. The commission shall review any comments, collect additional
7 information, and conduct further meetings including public hearings, that it deems
8 necessary in order to prepare a final report.

251.585. The commission shall:

- 2 **(1) Be staffed and supported by the council;**
- 3 **(2) In accordance with chapter 536, RSMo, promulgate rules that it considers**
4 **necessary in carrying out the provisions of sections 251.500 to 251.585;**
- 5 **(3) Cooperate with the appropriate agencies of the United States, this state and its**
6 **political subdivisions, any other state, any interstate agency, any person or group of**
7 **persons with respect to land conservation and development;**
- 8 **(4) Adopt bylaws;**
- 9 **(5) Attempt to meet weekly, if practical, at a regularly scheduled time and place.**

2 **251.590. The provisions of sections 251.550 to 251.585 shall terminate on June 30,**
3 **2003.**

4 Section B. Because of the importance of protecting the resources of the state, section A
5 of this act is deemed necessary for the immediate preservation of the public health, welfare,
6 peace and safety, and is hereby declared to be an emergency act within the meaning of the
7 constitution, and section A of this act shall be in full force and effect upon its passage and
8 approval.